

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

MICHAEL JAMES HERRIN

PLAINTIFF

v.

CAUSE NO. 1:20cv56-LG-RPM

HARRISON COUNTY, ET AL.

DEFENDANTS

**ORDER ADOPTING PROPOSED FINDINGS
OF FACT AND RECOMMENDATION**

BEFORE THE COURT is the [40] Proposed Findings of Fact and Recommendation entered by United States Magistrate Judge Robert P. Myers on November 5, 2020. Judge Myers recommends that the [1] Complaint filed by Plaintiff, Michael James Herrin, should be dismissed for failure to prosecute.

At the time Herrin filed this lawsuit, he was incarcerated at the Harrison County Adult Detention Center in Gulfport, Mississippi. Judge Myers entered the Proposed Findings recommending dismissal after Herrin failed to appear at the omnibus hearing conducted on November 4, 2020. The copy of the Minute Entry regarding the Omnibus hearing mailed to Herrin was returned to the Court as undeliverable. A search conducted on the Mississippi Department of Corrections' website reveals that Herrin is no longer incarcerated. The Court previously informed Herrin that failure to advise the Court of a change of address may result in sua sponte dismissal of his lawsuit without further notice. (*See* Order, at 2, ECF No. 3).

Where no party has objected to the Magistrate Judge's Proposed Findings and Recommendation, the Court need not conduct a de novo review of them. *See* 28

U.S.C. § 636(b)(1) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made.”). In such cases, the Court need only satisfy itself that there is no clear error on the face of the record. *Douglass v. United Serv. Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having conducted the required review, the Court finds that Judge Myers’ Proposed Findings of Fact and Recommendation are neither clearly erroneous nor contrary to law. This lawsuit is dismissed without prejudice for failure to prosecute.

IT IS THEREFORE ORDERED AND ADJUDGED that the [40] Proposed Findings of Fact and Recommendation entered by United States Magistrate Judge Robert P. Myers are **ADOPTED** as the opinion of the Court. This lawsuit is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED AND ADJUDGED this the 1st day of December, 2020.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE